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Summary record of the 179th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 31 March 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Croatia (continued) (CRPD/C/HRV/1; CRPD/C/HRV/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Meić** (Office of the Ombudsman for Persons with Disabilities, Croatia) said that she was pleased that the issues on which the help of the Ombudsman's Office was most frequently sought — namely, early intervention for children with disabilities and support for parents of children with autism — had been taken note of by the Committee and addressed by the Croatian Government. She commended the Government for its commitment to ensuring the rights of persons with disabilities, which involved, among much else, the establishment of the Ombudsman's Office, itself headed by a woman with a disability. Although the steps taken by the Government to address the lack of community-based services for persons with disabilities were a positive development, however, it was worrying that, instead of providing an assessment of the support services offered in the country, the Government had settled for enumerating them.

3. The Ombudsman's Office was pleased to note that the Ministry of Education recognized that access to secondary education was difficult for children with disabilities and welcomed the use by government representatives of such terms as "inclusion" and "reasonable accommodation". It was regrettable, however, that, despite the recommendations of the Office, those terms had not been used in the legislation pertaining to the education of children with disabilities and that the provision of reasonable accommodation had not been required. The hope of the Office was that the current constructive dialogue would prompt changes to Croatian law. In the area of employment, the term "reasonable accommodation" had been defined, but, judging by the number of discrimination cases handled by the Office, employers would have to be made more aware of their obligations. A public awareness campaign was therefore in order.

4. She welcomed what she took to be the Committee's intention to touch on the severe shortage of outpatient psychosocial support in Croatia and on the country's medical professionals' apparent failure to realize that coercion, still fairly widespread, amounted to humiliating and degrading treatment. Croatian government ministries, for their part, would do well to name focal points for disability issues and provide them with the resources to keep those issues visible in their respective ministries. At the same time, the Government should lead public awareness campaigns to forcefully convey the idea that persons with disabilities were persons endowed with rights, not merely individuals in need of special care.

Articles 1-10

5. **Ms. Novaković** (Croatia) said that builders in Croatia were required to submit accessibility plans for any new building or reconstruction project. Otherwise, no building permit would be issued. The overarching objective was not to fine recalcitrant builders but to give them opportunities to revise their plans and thus ensure accessible buildings. Inspections were conducted to ensure that the accessibility measures described on paper were translated into reality. Usage permits could be withheld if they were not. The problem of accessibility was especially acute in older buildings, whether public or private. Unlike individual ministries, which kept records for the buildings under their purview, the State did not keep a centralized register of all the buildings that posed accessibility problems. The

topic of universal design was included in the curricula of engineering and architecture schools.

6. **Ms. Majko** (Croatia) said that, since 2004, Croatia had had a project devoted to removing barriers from existing buildings. The aim was to provide financing to retrofit the buildings used by regional administrations and to make them accessible to persons with disabilities. The project targeted health-care and social welfare centres, hospitals, schools, and sports and cultural facilities. Representatives of organizations of disabled persons contributed their knowledge and experience to the project, which led to improved accessibility in both urban and rural areas.

Articles 11–20

7. **Mr. Benjak** (Croatia) said that, under Croatian law, there were specific guarantees against discrimination by the rescue services. During the catastrophic floods of 2014, thousands of people had been evacuated from large areas of the country. Fatalities had been kept to a bare minimum and there had been no outbreaks of epidemic disease. An emergency number, 112, was accessible to persons with a hearing impairment and the emergency services could also be contacted by fax. Lastly, Croatia had a special mobile phone application that enabled persons with a hearing impairment to receive alerts and advice in situations of risk and humanitarian emergencies.

8. **Ms. Skoko-Poljac** (Croatia) said that sterilization could not be performed on a woman simply because she had a disability. There must be medical grounds for the procedure. The parents or legal representatives of persons without legal capacity could apply to have those persons undergo sterilization, but applications had to be made through the local social welfare office and they were granted only after review by a hospital committee composed of a doctor, a nurse and a social worker. The Ministry of Health, hospital boards and professional associations were involved in oversight of the process.

9. Under the law, persons with a mental impairment could be subjected to coercion only when they were a direct threat to themselves or to others and only if there was no other means of dealing with the threat. Psychiatric hospitals were required to report twice a year on the coercive measures they used. If those measures involved children, however, the law required that they should be reported each time they were used. In addition, persons subjected to coercive measures had a number of avenues through which to contest the justification for those measures. The Ministry of Health intended to draft detailed instructions regarding coercive measures and to provide the impetus for a programme of in-service training to ensure that the law was enforced. Training was also provided by the Office of the Ombudsman for Persons with Disabilities. The latest report of the Ombudsman's Office, however, had stated that Lopača Psychiatric Hospital required additional oversight and that compliance with the regulations on coercion should be monitored by more than one institution.

10. The Ministry of Health provided funding to civil society organizations that worked for the socialization of persons with mental impairments and promoted patients' rights. Some such organizations, which offered activities ranging from legal consultations to group therapy, operated out of the psychiatric hospitals themselves.

11. **Ms. Frangeš** (Croatia) said that the parties to a criminal case had the right to use their own language, including sign language. If necessary, interpreters would be provided. Interpretation via video link or telephone was also possible. The cost of interpretation was borne by the State, regardless of the outcome of the case. Witnesses who were unable to travel were also accommodated. The administration of the prisons housing accused persons regarding whom a determination of insanity had been made was duly notified and the

person in question was referred to a psychiatric institution. Despite the current austerity measures, accessibility was ensured at all offices of the Ministry of Justice.

12. Regarding liberty and security of the person, she said that Croatia had set up a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. Recent amendments to the act establishing the mechanism would lead to a greater number of inspections of places of detention.

13. **Ms. Bogdanović** (Croatia), replying to a question about the measures that had been taken to ensure that parents were not compelled to institutionalize their children, said that parents of children with disabilities were entitled to monetary support or to services, which were provided locally by social welfare centres. Following a diagnostic assessment, professional help was provided. Parents themselves, however, were taking an increasingly active role in surmounting the difficulties that they and their children faced. Efforts were being made to ensure more comprehensive provision of early intervention services, so that children would not have to be separated from their parents. In some cases, parent caregivers were entitled to work half time and receive a full salary. Prolonged leaves of absence were also possible. Teachers were trained in the best ways of providing support to children with disabilities attending mainstream schools. She was unaware of any case in which a child had been kept in complete isolation.

14. In April 2013, Croatia and the United Nations Children's Fund (UNICEF) had signed an agreement on an early intervention programme for children on the autism spectrum. The aims of the country's considerable efforts in that area included opening diagnostic centres in the major cities and ensuring that children with autism enrolled in mainstream schools. More than 600 persons with physical disabilities in all areas of the country had been assigned personal assistants, paid for by the State and with additional support from the European Social Fund, to help them live independently. Despite the recession, the amounts earmarked for such services had been growing steadily. Until the State was in a position to ensure that every person with a disability was provided with a personal assistant from the public social welfare system, however, it would work with associations to meet user needs. Efforts were being made to ensure that persons with disabilities did not lose access to services or benefits if they moved to another part of the country. The law provided for inspections of "family homes" and inspectors had the power to shut down homes or institutions that were not in compliance with the law. In fact, two such homes had recently been closed and their residents accommodated elsewhere.

15. Under the Constitution, Croatian was the official language of the country. Nonetheless, the country's associations of deaf persons and persons with hearing impairments had lobbied successfully for a legal framework for the use of sign language.

16. Steps had been taken to promote supported decision-making for persons with disabilities without legal capacity. However, long-term reform of the national judicial system would be required to fully implement the provisions of the Convention in that regard. The Committee for Persons with Disabilities was the advisory body to the Government on disability issues. It comprised 33 members drawn from a wide range of State bodies and actively participated in the implementation of the Convention at the national level.

17. **Ms. Grbac** (Croatia) said that protocols had been established to combat violence against persons with disabilities, providing for severe penalties. In cases of violence against persons with disabilities, social welfare centres arranged temporary shelter and psychological support for victims. There was also a domestic violence helpline that was accessible to persons with disabilities and an information website that provided guidance and support. An independent mechanism had also been introduced to monitor institutions

housing persons with disabilities and, where appropriate, investigate and prosecute perpetrators of violence.

18. **Mr. Margaletić** (Croatia) said that the Government fully supported the proposal for a European Council directive on the accessibility of public sector bodies' websites and intended to launch the e-Croatia programme in 2015 in an effort to improve access to new technology for persons with disabilities.

19. **Ms. Gospodinović** (Croatia) said that legislation had been implemented to ensure that instances of exploitation, violence and abuse of persons with disabilities were identified, investigated and prosecuted. Specially trained police officers were responsible for handling cases of violence against persons with disabilities and providing support and assistance. General police training also contained a module on the management of cases involving persons with disabilities, focusing particularly on the specific needs of women and children with disabilities. The Government closely monitored cases of violence against persons with disabilities and the total number was very low.

20. **Ms. Kingston**, after welcoming the State party's ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, said that she would welcome further information regarding the availability of accessible formats for visually impaired persons and alternative modes of communication for persons with disabilities in the State party. As to respect for home and the family, she wished to know whether the Government had compiled a comprehensive database of children with disabilities requiring early intervention and rehabilitation and whether steps had been taken to ensure that such intervention and rehabilitation adequately responded to their needs. Noting the segregated nature of secondary school education in Croatia, she asked what measures were in place to build a more inclusive education system. Regarding work and employment, she requested the delegation to comment on reports that reasonable accommodation measures in the workplace failed to function properly in practice. In view of the lack of specific statistical data held on persons with disabilities, she wished to know what steps would be taken to improve the quality of data collection and whether there were plans to involve persons with disabilities, including children with disabilities, in the collection and processing of data. Concerned that the State party's international cooperation efforts were mainly focused within Europe, she asked whether the State party intended to expand the scope of its international development programmes. She also wished to know what steps Croatia had taken to support the inclusion of persons with disabilities in the post-2015 development agenda. Lastly, she enquired about the legal status of the Office of the Ombudsman for Persons with Disabilities and the measures taken to facilitate the full participation of organizations of persons with disabilities in the monitoring of the Convention.

21. **Mr. Tatić** asked how many trained sign language interpreters there were in Croatia and whether that number was enough to meet the needs of deaf persons. He also wished to know what steps had been taken to ensure that persons with disabilities could take part on an equal basis with others in cultural life and had access to sporting, recreational and tourism venues.

22. **Mr. Lovászy** said that he welcomed the State party's implementation of the World Health Organization International Classification of Functioning, Disability and Health but stressed that its new approach should focus primarily on environmental factors and promote social inclusion rather than seeing disability in exclusively medical terms. Noting the recent amendments to the Employment Act, he asked what reasonable accommodation was available in the workplace and how many private companies had met the national quota for employing persons with disabilities. Lastly, he enquired whether steps had been taken to ensure that deaf and hard of hearing persons had access to sign language interpreters during judicial proceedings.

23. **Ms. Degener** (Country Rapporteur) asked whether legal and administrative measures would be taken to ensure that persons with disabilities could become parents and adopt children. She would welcome the delegation's comments on reports that students with disabilities did not have the right to choose their profession and were segregated from children without disabilities. Although she congratulated the State party on the introduction of anti-discrimination legislation, she was concerned that the majority of persons with disabilities were unemployed or in low-income jobs and she asked whether the Government intended to devise and implement a strategic plan to increase the number of persons with disabilities in mainstream employment. She also wished to know what steps would be taken to ensure that persons with disabilities could participate effectively and fully in political and public life on an equal basis with others and to guarantee that they had the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit but also for the enrichment of society. Lastly, she asked whether efforts would be made to strengthen the legal status of the Office of the Ombudsman for Persons with Disabilities and provide additional support to organizations of persons with disabilities to ensure their participation in the implementation and monitoring of the Convention.

24. **Ms. Quan-Chang** asked whether steps had been taken to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health. She also wished to know what efforts had been made to include persons with disabilities in poverty reduction strategies, particularly those living in remote and rural areas. Lastly, she asked whether the State party intended to collect data on violence of all kinds against persons with disabilities.

25. **Mr. Ruskus**, noting that only a very small percentage of students with disabilities attended university, asked what programmes would be introduced to improve access to higher education for persons with disabilities and facilitate their transition from secondary school to university.

26. **Mr. Kim** Hyung Shik asked whether the State party had an overall strategy for building an inclusive education system and, if so, whether it involved teachers, parents and organizations of persons with disabilities. He also requested further information on measures taken to address the high numbers of persons with disabilities who failed to complete their education. Lastly, he wished to know whether the Government intended to provide additional support to the Ministry of Social Policy and Youth Affairs in order to strengthen and raise awareness of its role as the focal point for the implementation of the Convention.

27. **Mr. Langvad** asked whether mainstream schools were required to enrol a certain number of children with disabilities and how parents of children with disabilities could legally enforce their wish for their child to attend a mainstream school. He also wished to know what steps had been taken to ensure that persons with disabilities enjoyed the same living standards as persons without disabilities, particularly in the case of war veterans with disabilities.

28. **Mr. Buntan** enquired about the legal status of the e-Croatia programme. He also wished to know whether notification of official or public meetings or events was provided in a timely fashion and in alternative formats for persons with disabilities. Concerning voting and political life, he asked whether measures had been introduced to promote and protect the right of persons with disabilities to vote and to stand for public office.

29. **Ms. Peláez Narváez** asked what efforts had been made to guarantee the right to privacy of persons with disabilities, particularly in institutional settings. She also wished to know what measures were in place to ensure that children with disabilities who had been abandoned by their parents had the option of being adopted. In view of the fact that

violence against persons with disabilities happened for the most part in the private sphere, she enquired whether the State party intended to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). With regard to education, she asked what steps had been taken to ensure access to education and training for children with disabilities in psychiatric hospitals. She also requested clarification as to the reasons for sterilizing persons with disabilities without their consent. Lastly, she wished to know how the State party guaranteed the right of children with disabilities to freedom of expression and opinion, particularly in respect of decisions that directly affected their lives.

30. **Mr. You** Liang asked whether the Government had established local focal points to support the implementation and monitoring of the Convention, in addition to the Ministry of Social Policy and Youth and the Office of the Ombudsman for Persons with Disability. He also wished to know what steps had been taken under the e-Croatia programme to recognize and develop the economic and social potential of persons with disabilities to enable them to join the workforce and contribute to national economic growth. Lastly, he requested information on the number of persons with disabilities working in the open labour market.

31. **Mr. Pyaneandee** said that, despite the fact that the Government had established the Office of the Ombudsman for Persons with Disabilities, it had not been able to provide the Committee with information on the number of complaints of discrimination against persons with disabilities that had been received or on how those complaints had been handled. He asked how it planned to address that problem.

32. **The Chairperson**, speaking in her personal capacity, asked whether the Government had formulated any special policy or action plan for raising public awareness about inclusive education and inclusion in the community for deaf-blind persons and persons who required support for communicating decisions.

The meeting was suspended at 11.50 a.m. and resumed at 12.10 p.m.

33. **Ms. Bogdanović** (Croatia) said that the bodies responsible for protecting and promoting the rights of children monitored the exercise of children's right to have their views taken into account in decisions affecting them before the authorities of the education, judicial and public administration systems. It also monitored their right to know about the circumstances of their particular case and to receive advice. Their opinions were taken into account according to their age and maturity, as stipulated in the Family Act. The right of children to express their own opinion was subject to an age limitation: children who were 14 or older could express their own opinions, but younger children had to rely on their parents to do so and the effect could be restrictive.

34. Croatian adoption legislation did not differentiate between children with disabilities and other children. The adoption of children from birth to 18 years of age was organized through a social welfare database, which was accessible to all social welfare centres and the Ministry of Social Policy and Youth. The Ministry monitored adoption practices and encouraged a policy of giving priority to persons who wished to adopt older children, siblings or children with disabilities. Unfortunately, potential adoptive parents usually wanted to adopt younger children without disabilities. If suitable adoptive parents were not found in Croatia, the social welfare centre sent a request for international cooperation in seeking adoptive parents abroad.

35. The Ministry of Social Policy and Youth also implemented a range of measures for the inclusion of children with disabilities in communities. It coordinated, monitored and supervised the decentralized provision of services to such children and implemented measures to promote children's deinstitutionalization, in keeping with international and national standards.

36. The Ministry of Social Policy and Youth was the focal point for implementing the National Strategy of Equalization of Opportunities for Persons with Disabilities 2007–2015 and for coordinating with national institutions. It had appointed a coordinator in each of the institutions, in each of the country's 20 counties and in the city of Zagreb. Monitoring the implementation of the strategy had proved somewhat inadequate and the strategy for the next period would comprise a smaller number of more specific measures with clearly defined indicators and measurable results.

37. **Ms. Gojčeta** (Croatia) said that all children, including children with disabilities, had the right to preschool, primary and secondary education. Reasonable accommodation for children with developmental difficulties was ensured by means of adapted school facilities, transport and teaching methods. Young people with disabilities were guaranteed the right to university education in accordance with their abilities, interests and needs, under the same conditions and on an equal basis with other young people.

38. The Croatian legislative framework for education prohibited discrimination on the basis of age, sex, ethnicity or disability and was based on the principle of inclusive education and an individualized approach to students with disabilities. Blind, deaf or deaf-blind children were included with other children in regular schools from the earliest age and were provided with support from communication professionals — of whom there were 30 in the Croatian education system — in the modality of their choice, including various forms of Croatian sign language, typing, tactile signing and the use of technical devices. The right of students with developmental and other difficulties to receive support from a teaching assistant or communication professional had been incorporated into the latest proposed amendments to the Law on Primary and Secondary Education. The Ministry of Science, Education and Sports had made the draft amendments available on its website and invited the general public to provide their suggestions. In the 2014/15 academic year, Croatia had obtained funds from the European Social Fund and from the general budget that were earmarked for the recruitment of 1,620 learning support teachers.

39. **Ms. Jakir** (Croatia) said that Croatia had a long-standing practice of including children with disabilities in regular education and there appeared to be a general acceptance of that arrangement throughout the country. Students with disabilities were fully included in the regular curriculum up to the fourth grade, with or without learning support and special adaptations. As they progressed up the educational ladder, students with disabilities took part in half of the regular curriculum alongside their peers and the other half in special working groups. Students with behavioural disorders, although included in regular classes, were taught in special groups that provided individual support. Parents could appeal against a decision by the authorities to send their child to an institution.

40. When it came to secondary education, there was much room for improvement in the Croatian education system: its programmes were obsolete and it needed to be more responsive to the job market. Students with disabilities were, however, an accepted part of the educational community. In preparation for university studies, they were offered reasonable accommodation, such as separate areas and additional time for taking examinations, special aids, adjusted examination materials and the possibility of being helped by a personal assistant. University scholarships and affordable student housing that had been adapted to their needs were available to students with disabilities. There were currently 474 students with sensory or physical impairments enrolled in university programmes in Croatia.

41. **Ms. Grbac** (Croatia) said that the attitude in Croatia towards ratification of the Marrakesh Treaty was generally positive. However, it was uncertain when ratification would take place.

42. **Mr. Sočanac** (Croatia) said that, in accordance with the Law on the Croatian Registry of Persons with Disabilities, data were published annually on the website of the Office for Human Rights in a format that was accessible to persons with visual impairments. More than 48,000 children aged up to 19 were included in the Registry. The Law dated from 2001 and there were plans to amend it, in order to take account of new sources of data and new technologies. There were 12,119 persons with disabilities in employment, which represented 5 per cent of the entire active population of Croatia. With the support of the Office of the Ombudsman for Persons with Disabilities, a special website had been set up, where self-employed persons with disabilities could advertise their products and services.

43. **Ms. Špoljarić** (Croatia) said that the most significant development in the employment of persons with disabilities was the introduction on 1 January 2015 of a statutory 3 per cent quota for persons with disabilities in public and private enterprises having at least 20 employees. The quota could be met either by employing a person with a disability or by offering a scholarship to a trainee or student with a disability or participating in a cooperative scheme with sheltered workshops or self-employed persons. Employers who failed to meet the quota were required to pay a monthly fine equivalent to 30 per cent of the minimum wage. The fines were deposited into a fund that was used to finance employment programmes for persons with disabilities or to provide subsidies to employers for reasonable accommodation, based on individualized plans for the employees in question.

44. **Ms. Zečirević** (Croatia) said that the Croatian Employment Institute had witnessed a steady increase in the number of persons with disabilities who had found work. That result was attributable to the positive coordination between the Institute and all the relevant stakeholders, including government ministries and non-governmental organizations (NGOs). The highest increase in that figure over the past 10 years had occurred in 2014. There had also been a steady increase in the funds available for labour market measures and guidelines had been developed for the implementation of such measures, including those relating to persons with disabilities.

45. **Ms. Skoko-Poljak** (Croatia) said that, regardless of her age, a woman whose life would be endangered by pregnancy or giving birth had the right to request to be sterilized.

46. **Ms. Šeler** (Croatia) said that persons residing in Croatia who did not subscribe to the compulsory health insurance scheme were not normally entitled to receive benefits from it. However, in cases of need, benefits could be made available as a form of social assistance until the person's circumstances changed. The primary health-care network in Croatia was well organized.

47. **Ms. Prpić** (Croatia) said that most of the members of her delegation had devoted their entire careers to the cause of persons with disabilities and were thus well aware that, despite the progress achieved in Croatia, there was still much work to be done. Persons with disabilities deserved equal opportunities and support, and a change in the old attitudes of paternalism, exclusion and underestimation of their abilities.

48. **Ms. Meić** (Office of the Ombudsman for Persons with Disabilities, Croatia) said that the provision of international cooperation could advance the Government's efforts to implement the Convention and that the Government might wish to consider sending a delegation to the next Conference of States Parties to the Convention in order to further those efforts.

49. **Ms. Degener** said that she commended the high level of the Croatian delegation, its open participation in the interactive dialogue and the excellence of its introductory statement. A number of key elements had been addressed and the Committee had received useful information. Nevertheless, there was still much work to be done. In particular, she still had concerns about the rights of persons with disabilities in Croatia to live

independently and to be included in the community, to exercise legal capacity, not to be subjected to forced medical treatment and to be protected from violence, as well as the right of organizations of persons with disabilities to participate in implementing and monitoring the Convention.

The meeting rose at 1 p.m.